Attorney's Docket No.: <u>005214.P001R</u> <u>PATENT</u>

DECLARATION FOR REISSUE PATENT APPLICATION

As a below named inventor, I hereby declare that:





I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is described and for which a reissue patent is sought on the invention entitled

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS	
AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM	
USING A DISTRIBUTED COMPUTING SYSTEM	

filed September 27, 2000 as serial no. 09/672,523 ("the reissue application"), the specification of which is attached hereto and was issued on October 6, 1998 as U.S. Patent no. 5,819,034 ("the original patent") based on serial no. 08/233,908 ("the application"), filed on April 28, 1994.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the effective filing date, that the same was not in public use or on sale in the United States of America more than one year prior to the effective filing date, and that the invention was has not been patented or made the subject of an inventor's certificate issued prior to the effective filing date in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve moths (for a utility patent application) or six moths (for a design patent application) prior to the effective filing date.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application	<u>n(s)</u>		Priori <u>Claim</u>	
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country	Day/Month/Year Filed	Yes	No

Rev. 06/27/00 (D2)

Application Number	Filing Date	-
Application Number	Filing Date	<u>-</u> ,
application(s) listed below and, s not disclosed in the prior Unit of Title 35, United States Code known to me to be material to p	insofar as the subject mated States application in the Section 112, I acknowled batentability as defined in allable between the filing	code, Section 120 of any United States after of each of the claims of this application me manner provided by the first paragraph dge the duty to disclose all information Title 37, Code of Federal Regulations, date of the prior application and the nation
Application Number	Filing Date	Status patented, pending, abandoned
Application Number	Filing Date	Status patented, pending, abandoned
patent claims less than I had a the invention and inventions as without any deceptive intention	right to claim in the pater claimed in the above-ide on my part. The error are	y inoperative by reason that the original at. The claims fail to cover embodiments of entified reissue application. The error aros ose during the drafting of the application a
patent claims less than I had a the invention and inventions as without any deceptive intentior during subsequent amendmen in the issuance of the original papplication and I failing to apprinvention(s). The error was direview of the original patent by	right to claim in the pater sclaimed in the above-ide on my part. The error are ts in connection with the patent. The error occurre eciate the scope of the inscovered subsequent to is the assignee and/or its r	nt. The claims fail to cover embodiments on the claims fail to cover embodiments on the cror area application. The error area application.
patent claims less than I had a the invention and inventions as without any deceptive intention during subsequent amendmen in the issuance of the original papplication and I failing to apprinvention(s). The error was direview of the original patent by duty to disclose information what 1.56.	right to claim in the pater claimed in the above-ide on my part. The error are ts in connection with the poatent. The error occurre reciate the scope of the inscovered subsequent to it the assignee and/or its raich is material to the examening claims for the presentation.	nt. The claims fail to cover embodiments of entified reissue application. The error arose ose during the drafting of the application approsecution of the application which resuld as a result of the attorney prosecuting twention and/or to properly identify the assuance of the original patent during a epresentatives. I further acknowledge my
patent claims less than I had a the invention and inventions as without any deceptive intention during subsequent amendmen in the issuance of the original papplication and I failing to apprinvention(s). The error was disreview of the original patent by duty to disclose information what 1.56. I reserve the right to file broad limit, and in any continuation of application.	right to claim in the pater claimed in the above-ide on my part. The error are ts in connection with the patent. The error occurre eciate the scope of the inscovered subsequent to it the assignee and/or its raich is material to the examening claims for the preser divisional reissue applicant of the condeted.	nt. The claims fail to cover embodiments of entified reissue application. The error arose ose during the drafting of the application of the application which result of as a result of the attorney prosecuting the vention and/or to properly identify the ssuance of the original patent during a epresentatives. I further acknowledge minimation of the application under 37 CFR ent reissue application beyond the two ye ation based on the present reissue
patent claims less than I had a the invention and inventions as without any deceptive intentior during subsequent amendmen in the issuance of the original papplication and I failing to apprinvention(s). The error was disreview of the original patent by duty to disclose information what 1.56. I reserve the right to file broad limit, and in any continuation of application. Send correspondence to	right to claim in the pater claimed in the above-ide on my part. The error are to in connection with the patent. The error occurre eciate the scope of the inscovered subsequent to is the assignee and/or its raich is material to the examening claims for the preser divisional reissue applicant to the examend of Attorney or Ager e Boulevard 7th Floor, I	nt. The claims fail to cover embodiments of entified reissue application. The error arose ose during the drafting of the application of the application of the application which result of as a result of the attorney prosecuting the vention and/or to properly identify the escuance of the original patent during a epresentatives. I further acknowledge minimation of the application under 37 CFR ent reissue application beyond the two ye ation based on the present reissue

inter.	
ė	
í.	
-	Ţ
	IJ
	F
	F
cette.	Ü
ş	
int.	
÷	1.
TANKS	11-5
.MDF.	1.11
422	
1700111	4

Full Name of Sole/First				
Inventor's Signature	lunar.	Inept.	Date	11/20/00
				(Country)
	(City, State)	•		(Country)
Post Office Address	16124	ORCHARD	GROVE RD)
Full Name of Second/Jo	oint Inventor <u>Ans</u> i	ley Wayne JESSU	P, Jr.	·
			,	
Residence		C	itizenship	
•	(City, State)			(Country)
Post Office Address				
·				
Full Name of Third/Join	t Inventor Vince	nt DUREAU		
		•		· · · · · · · · · · · · · · · · · · ·
Residence		c	itizenship	,
	(City, State)		<u></u>	(Country)
Post Office Address				
Full Name of Fourth/Jo	int Inventor <u>Alair</u>	n DELPUCH		
Inventor's Signature _			Date	
Residence	(O'h. O' t)		Citizenship	(0
	(City, State)			(Country)
Post Office Address		.		

Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

POWER OF ATTORNEY

PATENT

OPENTV CORPORATION hereby appoints the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as its respective patent attorneys and patent agents, with full power of substitution and revocation, to (1) prosecute and (2) transact all business in the Patent and Trademark Office connected with the reissue application serial no. 09/672,523, filed September 27, 2000 entitled:

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM,

which is reissue of U.S. Patent no., 5,819,034, based on application serial no. 08/233,908 filed April 28, 1994.

Dated: ______// 04/00

By: Illus

Umesh Desai

Associate General Counsel – Intellectual Property, OPENTV CORPORATION

William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. P42,261; Aloysius T. C. AuYeung, Reg. No. 35,432; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Lisa N. Benado, Reg. No. 39,995; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Andrew C. Chen, Reg. No. 43,544; Thomas M. Coester, Reg. No. 39,637; Donna Jo Coningsby, Reg. No. 41,684; Florin Corie, Reg. No. 46,244; Dennis M. deGuzman, Reg. No. 41,702; Stephen M. De Klerk, Reg. No. 46,503; Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Robert Andrew Diehl, Reg. No. 40,992; Sanjeet Dutta, Reg. No. P46,145; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; George Fountain, Reg. No. 37,374; Paramita Ghosh, Reg. No. 42,806; James Y. Go, Reg. No. 40,621; James A. Henry, Reg. No. 41,064; Libby N. Ho, Reg. No. P46,774; Willmore F. Holbrow III, Reg. No. P41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Sang Hui Kim, Reg. No. 40,450; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Erica W. Kuo, Reg. No. 42,775; George Brian Leavell, Reg. No. 45,436; Kurt P. Leyendecker, Reg. No. 42,799; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, under 37 C.F.R. § 10.9(b); Paul A. Mendonsa, Reg. No. 42,879; Clive D. Menezes, Reg. No. 45,493; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Dennis A. Nicholls, Reg. No. 42,036; Daniel E. Ovanezian, Reg. No. 41,236; Kenneth B. Paley, Reg. No. 38,989; Marina Portnova, Reg. No. P45,750; William F. Ryann, Reg. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey Sam Smith, Reg. No. 39,377; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Vincent P. Tassinari, Reg. No. 42,179; Edwin H. Taylor, Reg. No. 25,129; John F. Travis, Reg. No. 43,203; Joseph A. Twarowski, Reg. No. 42,191; Tom Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. P46,322; Thomas C. Webster, Reg. No. P46,154; Steven D. Yates, Reg. No. 42,242; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Firasat Ali, Reg. No. 45,715; and Justin M. Dillon, Reg. No. 42,486; my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and Umesh Desai, Reg. No. 36,360 and Craig Opperman, Reg. No. 37,078, of OpenTV, located at 401 E. Middlefield Road, Mountain View, California 94043, and James R. Thein, Reg. No. 31,710, my patent attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

PATENT

DECLARATION FOR REISSUE PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is described and for which a reissue patent is sought on the invention entitled

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS
AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM
USING A DISTRIBUTED COMPUTING SYSTEM

filed September 27, 2000 as serial no. 09/672,523 ("the reissue application"), the specification of which is attached hereto and was issued on October 6, 1998 as U.S. Patent no. 5,819,034 ("the original patent") based on serial no. 08/233,908 ("the application"), filed on April 28, 1994.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the effective filing date, that the same was not in public use or on sale in the United States of America more than one year prior to the effective filing date, and that the invention was has not been patented or made the subject of an inventor's certificate issued prior to the effective filing date in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve moths (for a utility patent application) or six moths (for a design patent application) prior to the effective filing date.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(<u>(s)</u>	·	Priori Claim	
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country .	Day/Month/Year Filed	Yes	No

		•
Application Number	Filing Date	
Application Number	Filing Date	
application(s) listed below and, in is not disclosed in the prior Unite of Title 35, United States Code, shown to me to be material to pa	nsofar as the subject maid States application in the Section 112, I acknowled itentability as defined in Itable between the filing of	ode, Section 120 of any United States ter of each of the claims of this application manner provided by the first paragraping the duty to disclose all information Fitle 37, Code of Federal Regulations, late of the prior application and the nation
Application Number	Filing Date	Status patented, pending, abandoned
Application Number	Filing Date	Status patented, pending, abandoned
the invention and inventions as	claimed in the above-ide	ntified reissue application. The error aro
the invention and inventions as a without any deceptive intention aduring subsequent amendments in the issuance of the original parapplication and I failing to appresent invention(s). The error was discreview of the original patent by the subsequence of the original patent by the original pa	claimed in the above-ider on my part. The error aro in connection with the p tent. The error occurred ciate the scope of the invovered subsequent to is the assignee and/or its re	t. The claims fail to cover embodiments ntified reissue application. The error aro se during the drafting of the application rosecution of the application which result as a result of the attorney prosecuting rention and/or to properly identify the suance of the original patent during a presentatives. I further acknowledge means to the suance of the content of the
the invention and inventions as a without any deceptive intention of during subsequent amendments in the issuance of the original parapplication and I failing to appresent invention(s). The error was discreview of the original patent by the duty to disclose information which 1.56.	claimed in the above-ider on my part. The error around in connection with the pattent. The error occurred ciate the scope of the invovered subsequent to is the assignee and/or its rech is material to the examining claims for the present	t. The claims fail to cover embodiments ntified reissue application. The error arouse during the drafting of the application rosecution of the application which result as a result of the attorney prosecuting vention and/or to properly identify the suance of the original patent during a presentatives. I further acknowledge mination of the application under 37 CFF
the invention and inventions as a without any deceptive intention of during subsequent amendments in the issuance of the original parapplication and I failing to appresent invention(s). The error was discreview of the original patent by the duty to disclose information which 1.56. I reserve the right to file broader limit, and in any continuation or application. Send correspondence to An	claimed in the above-ider on my part. The error are in connection with the patent. The error occurred ciate the scope of the invovered subsequent to is the assignee and/or its resh is material to the examining claims for the presendivisional reissue application.	t. The claims fail to cover embodiments ntified reissue application. The error aro see during the drafting of the application rosecution of the application which result as a result of the attorney prosecuting vention and/or to properly identify the suance of the original patent during a presentatives. I further acknowledge maintain of the application under 37 CFF on the reissue application beyond the two yestion based on the present reissue. BLAKELY, SOKOLOFF, TAYLO
without any deceptive intentions as a without any deceptive intention of during subsequent amendments in the issuance of the original parapplication and I failing to appresent invention(s). The error was discreview of the original patent by the duty to disclose information which 1.56. I reserve the right to file broader limit, and in any continuation or application. Send correspondence to An (Nar ZAFMAN LLP, 12400 Wilshire telephone calls to André L.	claimed in the above-ider on my part. The error arouse in connection with the pattent. The error occurred ciate the scope of the invovered subsequent to is the assignee and/or its resch is material to the examining claims for the presendivisional reissue applications. Marais The of Attorney or Agen Boulevard 7th Floor, L	t. The claims fail to cover embodiments ntified reissue application. The error arouse during the drafting of the application rosecution of the application which result as a result of the attorney prosecuting vention and/or to properly identify the suance of the original patent during a presentatives. I further acknowledge maintain of the application under 37 CFF and the reissue application beyond the two yestion based on the present reissue. BLAKELY, SOKOLOFF, TAYLO

ž.	
ŝ	
i,	Ö
.38822	
188837	Ц
#,	
ş	F
min.	ñ
,	1.00
ä	Let
Ē	
in come, in	E. III
rum ar center m	H. K. I.
conte, mon accome m	
rum ar center m	
thus, mits, min in sma, m	

Tremor 3 digitature	Date
Residence	Citizenship(Country)
(City, State)	(Country)
Post Office Address	
Full Name of Second/Joint Inventor <u>An</u>	isley Wayne JESSUP, Jr.
inventor's Signature	y Whole Date Muember 11, 2000
Residence Willingboro	VII Citizenship USA
(City, State)	(Country)
Post Office Address 22 Elmo	
Full Name of Third/Joint Inventor <u>Vinc</u>	ent DUREAU
Inventor's Signature	Date
Residence	Citizenship
	Citizenship
Residence(City, State)	Date Citizenship (Country)
Residence(City, State) Post Office Address	Citizenship(Country)
Residence(City, State)	Citizenship(Country)
Residence(City, State) Post Office Address Full Name of Fourth/Joint InventorAla	Citizenship(Country)
Residence(City, State) Post Office Address Full Name of Fourth/Joint Inventor Ala Inventor's Signature	Citizenship(Country) ain DELPUCH Date Citizenship
Residence(City, State) Post Office Address Full Name of Fourth/Joint InventorAla Inventor's Signature	Citizenship(Country) ain DELPUCH Date Citizenship

Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

POWER OF ATTORNEY

OPENTV CORPORATION hereby appoints the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as its respective patent attorneys and patent agents, with full power of substitution and revocation, to (1) prosecute and (2) transact all business in the Patent and Trademark Office connected with the reissue application serial no. 09/672,523, filed September 27, 2000 entitled:

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM,

which is reissue of U.S. Patent no., 5,819,034, based on application serial no. 08/233,908 filed April 28, 1994.

Dated: ______// 04 / 00

By: Men

Umesh Desai

Associate General Counsel - Intellectual Property, OPENTV CORPORATION

William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. P42,261; Aloysius T. C. AuYeung, Reg. No. 35,432; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Lisa N. Benado, Reg. No. 39,995; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Andrew C. Chen, Reg. No. 43,544; Thomas M. Coester, Reg. No. 39,637; Donna Jo Coningsby, Reg. No. 41,684; Florin Corie, Reg. No. 46,244; Dennis M. deGuzman, Reg. No. 41,702; Stephen M. De Klerk, Reg. No. 46,503; Michael Anthony DeSanctis. Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Robert Andrew Diehl, Reg. No. 40,992; Sanjeet Dutta, Reg. No. P46,145; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; George Fountain, Reg. No. 37,374; Paramita Ghosh, Reg. No. 42,806; James Y. Go, Reg. No. 40,621; James A. Henry, Reg. No. 41,064; Libby N. Ho, Reg. No. P46,774; Willmore F. Holbrow III, Reg. No. P41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Sang Hui Kim, Reg. No. 40,450; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Erica W. Kuo, Reg. No. 42,775; George Brian Leavell, Reg. No. 45,436; Kurt P. Leyendecker, Reg. No. 42,799; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, under 37 C.F.R. § 10.9(b); Paul A. Mendonsa, Reg. No. 42,879; Clive D. Menezes, Reg. No. 45,493; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Dennis A. Nicholls, Reg. No. 42,036; Daniel E. Ovanezian, Reg. No. 41,236; Kenneth B. Paley, Reg. No. 38,989; Marina Portnova, Reg. No. P45,750; William F. Ryann, Reg. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey Sam Smith, Reg. No. 39,377; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Vincent P. Tassinari, Reg. No. 42,179; Edwin H. Taylor, Reg. No. 25,129; John F. Travis, Reg. No. 43,203; Joseph A. Twarowski, Reg. No. 42,191; Tom Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. P46,322; Thomas C. Webster, Reg. No. P46,154; Steven D. Yates, Reg. No. 42,242; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Firasat Ali, Reg. No. 45,715; and Justin M. Dillon, Reg. No. 42,486; my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and Umesh Desai, Reg. No. 36,360 and Craig Opperman, Reg. No. 37,078, of OpenTV, located at 401 E. Middlefield Road, Mountain View, California 94043, and James R. Thein, Reg. No. 31,710, my patent attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.





PATENT

DECLARATION FOR REISSUE PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is described and for which a reissue patent is sought on the invention entitled

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS
AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM
USING A DISTRIBUTED COMPUTING SYSTEM

filed September 27, 2000 as serial no. 09/672,523 ("the reissue application"), the specification of which is attached hereto and was issued on October 6, 1998 as U.S. Patent no. 5,819,034 ("the original patent") based on serial no. 08/233,908 ("the application"), filed on April 28, 1994.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the effective filing date, that the same was not in public use or on sale in the United States of America more than one year prior to the effective filing date, and that the invention was has not been patented or made the subject of an inventor's certificate issued prior to the effective filing date in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve moths (for a utility patent application) or six moths (for a design patent application) prior to the effective filing date.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application	<u>n(s)</u>		Priori <u>Claim</u>	
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country	Day/Month/Year Filed	Yes	No



I hereby claim the benefit under	Title 35,	United	States	Code,	Section	119(e) of any	United States
provisional application(s) listed I	pelow:					•	
				•			

Application Number	Filing Date		
Application Number	Filing Date		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Filing Date	Status patented, pending, abandoned
Application Number	Filing Date	Status patented, pending, abandoned

I verily believe the original patent to be wholly or partially inoperative by reason that the original patent claims less than I had a right to claim in the patent. The claims fail to cover embodiments of the invention and inventions as claimed in the above-identified reissue application. The error arose without any deceptive intention on my part. The error arose during the drafting of the application and during subsequent amendments in connection with the prosecution of the application which resulted in the issuance of the original patent. The error occurred as a result of the attorney prosecuting the application and I failing to appreciate the scope of the invention and/or to properly identify the invention(s). The error was discovered subsequent to issuance of the original patent during a review of the original patent by the assignee and/or its representatives. I further acknowledge my duty to disclose information which is material to the examination of the application under 37 CFR § 1.56.

I reserve the right to file broadening claims for the present reissue application beyond the two year limit, and in any continuation or divisional reissue application based on the present reissue application.

Send correspondence to André L. Marais , BLAKELY, SOKOLOFF, TAYLOR & (Name of Attorney or Agent)

ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct telephone calls to André L. Marais , (408) 720-8300.

(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor <u>Kuriacose JC</u>	SEPH
Inventor's Signature	Date
Residence	Citizenship
(City, State)	Citizenship(Country)
Post Office Address	
Full Name of Second/Joint Inventor <u>Ansley W</u>	ayne JESSUP, Jr.
Inventor's Signature	Date
Residence	Citizenship(Country)
(City, State)	(Country)
Post Office Address	
Full Name of Third/Joint Inventor <u>Vincent DU</u>	REAU
Inventor's Signature	DateDate
Residence Palo Alto, California (City, State)	Citizenship France (Country)
Post Office Address 3519 S. Cou	rt A 94306
Full Name of Fourth/Joint Inventor Alain DEL	PUCH
Inventor's Signature	Date
Residence	Citizenship
(City, State)	(Country)
Post Office Address	·

Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Dated:

Attorney's Docket No.: 005214.P001R

PATENT

POWER OF ATTORNEY

OPENTV CORPORATION hereby appoints the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as its respective patent attorneys and patent agents, with full power of substitution and revocation, to (1) prosecute and (2) transact all business in the Patent and Trademark Office connected with the reissue application serial no. 09/672,523, filed September 27, 2000 entitled:

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM.

which is reissue of U.S. Patent no., 5,819,034, based on application serial no. 08/233,908 filed April 28, 1994.

Ву:	
Ume	sh Desai
Asso	ociate General Counsel – Intellectual Property, OPENTV CORPORATION

William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. P42,261; Aloysius T. C. AuYeung, Reg. No. 35,432; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Lisa N. Benado, Reg. No. 39,995; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Andrew C. Chen, Reg. No. 43,544; Thomas M. Coester, Reg. No. 39,637; Donna Jo Coningsby, Reg. No. 41,684; Florin Corie, Reg. No. 46,244; Dennis M. deGuzman, Reg. No. 41,702; Stephen M. De Klerk, Reg. No. 46,503; Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Robert Andrew Diehl, Reg. No. 40,992; Sanjeet Dutta, Reg. No. P46,145; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; George Fountain, Reg. No. 37,374; Paramita Ghosh, Reg. No. 42,806; James Y. Go, Reg. No. 40,621; James A. Henry, Reg. No. 41,064; Libby N. Ho, Reg. No. P46,774; Willmore F. Holbrow III, Reg. No. P41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Sang Hui Kim, Reg. No. 40,450; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Erica W. Kuo, Reg. No. 42,775; George Brian Leavell, Reg. No. 45,436; Kurt P. Leyendecker, Reg. No. 42,799; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais. under 37 C.F.R. § 10.9(b); Paul A. Mendonsa, Reg. No. 42,879; Clive D. Menezes, Reg. No. 45,493; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Dennis A. Nicholls, Reg. No. 42,036; Daniel E. Ovanezian, Reg. No. 41,236; Kenneth B. Paley, Reg. No. 38,989; Marina Portnova, Reg. No. P45,750; William F. Ryann, Reg. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey Sam Smith, Reg. No. 39,377; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Vincent P. Tassinari, Reg. No. 42,179; Edwin H. Taylor, Reg. No. 25,129; John F. Travis, Reg. No. 43,203; Joseph A. Twarowski, Reg. No. 42,191; Tom Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. P46,322; Thomas C. Webster, Reg. No. P46,154; Steven D. Yates, Reg. No. 42,242; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Firasat Ali, Reg. No. 45,715; and Justin M. Dillon, Reg. No. 42,486; my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and Umesh Desai, Reg. No. 36,360 and Craig Opperman, Reg. No. 37,078, of OpenTV, located at 401 E. Middlefield Road, Mountain View, California 94043, and James R. Thein, Reg. No. 31,710, my patent attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

PATENT

DECLARATION FOR REISSUE PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is described and for which a reissue patent is sought on the invention entitled

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS
AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM
USING A DISTRIBUTED COMPUTING SYSTEM

filed September 27, 2000 as serial no. 09/672,523 ("the reissue application"), the specification of which is attached hereto and was issued on October 6, 1998 as U.S. Patent no. 5,819,034 ("the original patent") based on serial no. 08/233,908 ("the application"), filed on April 28, 1994.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the effective filing date, that the same was not in public use or on sale in the United States of America more than one year prior to the effective filing date, and that the invention was has not been patented or made the subject of an inventor's certificate issued prior to the effective filing date in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve moths (for a utility patent application) or six moths (for a design patent application) prior to the effective filing date.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Claim	,
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country	Day/Month/Year Filed	Yes	No

1	į	-	•
	•	-	
		H	=
į		Hardy Marrie 12 12	=
		-	
2		7:	
10000		1	=
		ŕ	=
, rate, 52 H		F	=
	1	P	
2		ŗ	;
ź		۲	۱
Ė	;	÷	
2			
Ė		#	
Ę		==	
	:	٠,	
			١
i i	:		
ź	:	:	
il cente. June. a	:	=	
÷	:	-	
ŧ	1	=	١
200			•
	:		
-			

Application Number	Cilian Data	•
	Filing Date	
Application Number	Filing Date	
application(s) listed below and, is not disclosed in the prior Uni of Title 35, United States Code known to me to be material to p	insofar as the subject mat ted States application in the Section 112, I acknowled patentability as defined in Tailable between the filing d	ode, Section 120 of any United States ter of each of the claims of this application a manner provided by the first paragraph ge the duty to disclose all information itle 37, Code of Federal Regulations, ate of the prior application and the national
Application Number	Filing Date	Status patented, pending, abandoned
Application Number	Filing Date	Status patented, pending, abandoned
patent claims less than I had a the invention and inventions as	والمراجع والمراجع والمراجع والمراجع والمراجع والمراجع	
without any deceptive intention during subsequent amendmen in the issuance of the original papplication and I failing to appr invention(s). The error was dis- review of the original patent by	on my part. The error arousts in connection with the properties. The error occurred reciate the scope of the inviscovered subsequent to issert the assignee and/or its re-	tified reissue application. The error arose se during the drafting of the application and osecution of the application which resulted
without any deceptive intention during subsequent amendmen in the issuance of the original papplication and I failing to apprinvention(s). The error was disreview of the original patent by duty to disclose information what 1.56.	on my part. The error arousts in connection with the protection. The error occurred reciate the scope of the inviscovered subsequent to issect the assignee and/or its renich is material to the example ening claims for the present	tified reissue application. The error arose se during the drafting of the application and osecution of the application which resulted as a result of the attorney prosecuting the ention and/or to properly identify the tuance of the original patent during a presentatives. I further acknowledge my
without any deceptive intention during subsequent amendmen in the issuance of the original papplication and I failing to apprinvention(s). The error was disreview of the original patent by duty to disclose information what 1.56. I reserve the right to file broad limit, and in any continuation of application.	n on my part. The error arousts in connection with the protection. The error occurred reciate the scope of the inviscovered subsequent to issert the assignee and/or its renich is material to the examinening claims for the present divisional reissue application.	tified reissue application. The error arose se during the drafting of the application and osecution of the application which resulted as a result of the attorney prosecuting the ention and/or to properly identify the suance of the original patent during a presentatives. I further acknowledge my ination of the application under 37 CFR § t reissue application beyond the two year tion based on the present reissue
without any deceptive intention during subsequent amendmen in the issuance of the original papplication and I failing to apprinvention(s). The error was disreview of the original patent by duty to disclose information what 1.56. I reserve the right to file broad limit, and in any continuation of application. Send correspondence to AZAFMAN LLP, 12400 Wilshir telephone calls to André	n on my part. The error arousts in connection with the protection. The error occurred reciate the scope of the inviscovered subsequent to issert the assignee and/or its renich is material to the examinening claims for the present divisional reissue applications. André L. Marais ame of Attorney or Agente Boulevard 7th Floor, Lo	tified reissue application. The error arose se during the drafting of the application and osecution of the application which resulted as a result of the attorney prosecuting the ention and/or to properly identify the suance of the original patent during a presentatives. I further acknowledge my ination of the application under 37 CFR § t reissue application beyond the two year tion based on the present reissue

Full Name of Sole/First Inventor <u>Kuriacose J</u>	OSEPH
Inventor's Signature	Date
Residence	Citizenship
(City, State)	(Country)
Post Office Address	
Full Name of Second/Joint Inventor <u>Ansley V</u>	Nayne JESSUP, Jr.
Inventor's Signature	Date
Residence	Citizenship(Country)
(City, State)	(Country)
Post Office Address	
Full Name of Third/Joint Inventor Vincent Di	UREAU
Inventor's Signature	Date
Residence	Citizenship
(City, State)	Citizenship(Country)
Post Office Address	
Full Name of Fourth/Join Inventor Alain DE	LPUCH
Inventor's Signature	Date Nov 13, 2000
Residence Les Essarts (City, State)	
	•
Post Office Address 34 PARC D	ESSARTS LERDI FRANCE

Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

PATENT

POWER OF ATTORNEY

OPENTV CORPORATION hereby appoints the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as its respective patent attorneys and patent agents, with full power of substitution and revocation, to (1) prosecute and (2) transact all business in the Patent and Trademark Office connected with the reissue application serial no. 09/672,523, filed September 27, 2000 entitled:

APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM, AND METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM,

which is reissue of U.S. Patent no., 5,819,034, based on application serial no. 08/233,908 filed April 28, 1994.

Dateu.		
Ву:		
Umesh Desai		
Associate General Counsel - Intellectual B	roporty ODENTY CORRORA	TION

William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. P42,261; Aloysius T. C. AuYeung, Reg. No. 35,432; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Lisa N. Benado, Reg. No. 39,995; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Andrew C. Chen, Reg. No. 43,544; Thomas M. Coester, Reg. No. 39,637; Donna Jo Coningsby, Reg. No. 41,684; Florin Corie, Reg. No. 46,244; Dennis M. deGuzman, Reg. No. 41,702; Stephen M. De Klerk, Reg. No. 46,503; Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Robert Andrew Diehl, Reg. No. 40,992; Sanjeet Dutta, Reg. No. P46,145; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; George Fountain, Reg. No. 37,374; Paramita Ghosh, Reg. No. 42,806; James Y. Go, Reg. No. 40,621; James A. Henry, Reg. No. 41,064; Libby N. Ho, Reg. No. P46,774; Willmore F. Holbrow III, Reg. No. P41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Sang Hui Kim, Reg. No. 40,450; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Erica W. Kuo, Reg. No. 42,775; George Brian Leavell, Reg. No. 45,436; Kurt P. Leyendecker, Reg. No. 42,799; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, under 37 C.F.R. § 10.9(b); Paul A. Mendonsa, Reg. No. 42,879; Clive D. Menezes, Reg. No. 45,493; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Dennis A. Nicholls, Reg. No. 42,036; Daniel E. Ovanezian, Reg. No. 41,236; Kenneth B. Paley, Reg. No. 38,989; Marina Portnova, Reg. No. P45,750; William F. Ryann, Reg. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey Sam Smith, Reg. No. 39,377; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Vincent P. Tassinari, Reg. No. 42,179; Edwin H. Taylor, Reg. No. 25,129; John F. Travis, Reg. No. 43,203; Joseph A. Twarowski, Reg. No. 42,191; Tom Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. P46,322; Thomas C. Webster, Reg. No. P46,154; Steven D. Yates, Reg. No. 42,242; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Firasat Ali, Reg. No. 45,715; and Justin M. Dillon, Reg. No. 42,486; my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and Umesh Desai, Reg. No. 36,360 and Craig Opperman, Reg. No. 37,078, of OpenTV, located at 401 E. Middlefield Road, Mountain View, California 94043, and James R. Thein, Reg. No. 31,710, my patent attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.